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09/516,209	02/29/2000	Terry Allen-Rouman	00617425	1082

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EXAMINER

BASHORE, ALAIN L

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1762

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/516,209
Filing Date: February 29, 2000
Appellant(s): ALLEN-ROUMAN ET AL.

MAILED

DEC 01 2006

GROUP 1700

Michael L. Drapkin
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12-2-05 and 11-6-06 appealing from the
Office action mailed 6-16-05

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal essentially correct. The rejection under 35 U.S.C 112 has been withdrawn.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,677,955	Doggett et al.	10-1997
5,920,847	Kolling et al	7-1999
5,987,140	Rowney et al.	11-1999
6,193,155	Walker et al	2-2001
6,442,529	Krishan et al	8-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-18, 24-27, 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al.

Doggett et al discloses a method for facilitating an electronic purchase as the transferring funds from a payor to a payee (fig 3). Purchase information from a payee and purchaser information from a payor are both received as payment information (66 and 74 taken in totality) from a funds transfer system (80). When the payment information is validated, the payee is notified (130) and funds are transferred. The purchase information includes a purchase price (120), and the purchaser information includes an identification of a purchaser account (122). When the purchaser information is validated a digital IOU is electronically sent to the payee (74). The digital IOU includes the purchase price (fig 6) and can be redeemed (col 8, lines 40-46). Digital signatures are compared (col 12, lines 21-32). Payment info is validated at the fund's transfer system (col 8, lines 36-37)

Doggett et al discloses a funds transfer system separate from the payee system (fig 3). The transfer of funds is from a user account to a vendor account where at least one of the accounts is a bank account or a credit card account (col 1, lines 6-16). A first and second connection is made between a payee and payor system (fig 3). Means for paying may be an ACH (80). The means for receiving purchase information and means for receiving payment information may be a FTP over a network (col 10, line 27).

Doggett et al does not disclose:

when the purchaser information is not validated, a message is sent to the purchaser and the purchaser is added to a database; including means for notifying, and comparing information against database; the payee as a vendor.

Kolling et al discloses a payee as a vendor (col 24, line 53). Kolling et al also discloses when the purchaser information is not validated (figure 7), a message is sent to the purchaser (46) and the purchaser is added to a database.

It would have been obvious to one with ordinary skill in the art to include a message (and means for notifying, and comparing information against database) is sent to the purchaser when the purchaser information is not validated and the purchaser is added to a database to Doggett et al because Kolling et al teaches such messages for non-sufficient funds notification (col 4, line 52).

It would have been obvious to one with ordinary skill in the art to include the payee as a vendor because Kolling et al teaches equivalence (col 24, lines 53).

Claims 29-33, 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al as applied to claims 14-18, 24-27, 39-44 above, and in further view of Rowney et al.

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Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al in further view of Rowney et al.

Doggett et al in view of Kolling et al does not explicitly disclose a method as being part of the check-out of the user with a vendor system.

Rowney et al discloses check-out of the user with a vendor system (col 11, lines 56-67; col 12, lines 1-24) and comparing digital signatures (col 15, lines 65-67; col 16, lines 1-23).

It would have obvious to one with ordinary skill in the art to modify Doggett et al in view of Kolling et al to include confirming the digital IOU by comparing a digital signature since Rowney et teaches comparing digital signatures for security purposes (col 1, lines 30-36).

It would have obvious to one with ordinary skill in the art to modify Kolling et al in view of Rose et al in view of Nielsen to include as part of the check-out of the user with a vendor system since Rowney et al teaches importance of assessing transaction risk (col 12, lines 5-6).

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Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al as applied to claims 14-18, 24-27, 39-44 above, and further in view of Walker et al.

Doggett et al in view of Kolling et al in view does not disclose funds in the form of gift certificates.

Walker et al discloses gift certificates (col 3, lines 33-67).

It would have been obvious to one with ordinary skill in the art to include funds in the form of gift certificates to Kolling et al in view of Rose et al because Walker et teaches advantages of gift certificates (col1, lines 44-67; col 2, lines 1-33).

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al et al in view of Kolling et al in further view of Rowney et al as applied to claims 29-37 above, and further in view of Krishan et al.

Kolling et al in view of Rose et al in further view of Rowney et al does not disclose the requesting step causing a pop-up window to be opened.

Krishan et al discloses a requesting step causing a pop-up window to be opened (col 20, lines 1-7).

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It would have been obvious to one with ordinary skill in the art to a requesting step causing a pop-up window to be opened to Kolling et al in view of Rowney et al because Krishan et al teaches pop-up windows function as attention providers (col 2, lines 40-42).

(10) Response to Argument

Regarding the claim recitation to “receiving purchaser information from a purchaser, the purchaser information including an identification of the purchaser account”, there appears to be such described in the further manipulation of information that is sent and received as described by elements 66 and 74 taken in totality by Doggett et al (col 7, lines 65-67; col 8, lines 1-5).

The reference to Kolling et al is used to combine for the claim recitation regarding “when the purchaser information is not validated, a message is sent to the purchaser and the purchaser is added to a database”.

Regarding separate steps recited for “requesting” and “receiving”, the system to Doggett et al discloses information required to be inputted into the system by all parties, thus meeting the recitation to requesting and receiving.

Regarding claim 39, means for notifying and the recitation to comparing is now addressed in the rejection of record.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Conclusion


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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